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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,653	03/29/2004	Charles M. Lieber	H0498.70112US01	3416
86110 7590 02/22/2010 Harvard University & Medical School c/o Wolf, Greenfield & Sacks, P.C. 600 Atlantic Avenue Boston, MA 02210-2206				
EXAMINER WEISS, HOWARD				
ART UNIT 2814		PAPER NUMBER		
MAIL DATE 02/22/2010		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* CHARLES M. LIEBER; THOMAS RUECKES; ERNESTO  
JOSELEVICH; KEVIN KIM

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Application 10/812,653  
Technology Center 2800

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Mailed: February 22, 2010

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Before MARSHA A. TWITTY, *Paralegal, Board of Patent Appeals and  
Interferences.*

ORDER RETURNING UNDOCKETED APPEAL

This application was electronically received by the Board of Patent Appeals and Interferences on February 17, 2010. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

EXAMINER'S CONSIDERATION OF REPLY BRIEF

A Reply Brief was filed in this application on January 12, 2010. There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 CFR CFR § 41.43(a)(1) and MPEP § 1208, part II.

**CONCLUSION**

The application will be returned to the Examiner for:

- 1) considering the Reply Brief filed January 12, 2010 as indicated above; and,
- 2) for such action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

MAT

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